

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14879, of Argyle Associates, Ltd. Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 for a change of nonconforming use from retail variety store to a delicatessen - no seating and retail variety store in the basement and first floor in an R-5-B District at premises 3220 17th Street, N.W., (Square 2607, Lot 85).

HEARING DATE: October 19 and December 14, 1988
DECISION DATE: December 14, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 1E and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 1E. ANC 1E, which is automatically a party to the application, by letter dated October 11, 1988, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The delicatessen use shall be confined to the portion of the building currently occupied by the retail variety store.


2. There shall be no on-site consumption of food or seating at the premises.
3. The approved use as a delicatessen shall not extend to a restaurant or fast food restaurant as defined in 11 DCMR 199.
4. All exterior advertising shall be non-illuminated and shall be confined to the door and the window above the door.
5. The applicant shall provide appropriate trash containers near the entrance to the delicatessen and shall maintain the adjacent area, including the sidewalk and curb, free of trash and debris at all times.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, John G. Parsons, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

DEC 22 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14879order/LJP45

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14879

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated DEC 22 1968, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

David B. Lamb
1742 N Street, N.W.
Wash, D.C. 20036

Alex Eckmann, Chairperson
Advisory Neighborhood Commission 1-E
P.O. Box 43529, Columbia Hgts. Station
Washington, D. C. 20010

Argyle Assoc. Ltd. Partnership
3220 17th Street, N.W.
Wash, D.C. 20010

A handwritten signature in black ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: DEC 22 1968